REMARKS

I. Introduction

Claims 1-3, 5-7, 9, 10, 12, and 14-24 are pending in the above application.

Claims 1-3, 5, 21 and 22 stand rejected under 35 U.S.C. § 102.

Claims 6, 7, 9, 10, 12, 14-20, 23 and 24 stand rejected under 35 U.S.C. § 103.

Claims 1, 6, 21 and 23 are independent claims.

II. Amendments

Claims 1, 6, 21 and 23 have been amended to more particularly point out that which Applicant regards as the inventions therein.

No new matter has been added.

III. Prior Art Rejections

A. Claims 1-3, 5, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mills et al. (U.S. Pat. 6,055,560).

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

As explained in Applicant's previous response filed on March 28, 2005, incorporated herein, Mills does not disclose all of the limitations of independent claims 1 or 21. Mills clearly describes the API 152 and application code 150 are resident on remote application server 136, not downloaded and stored on STB 108. Mills, col. 8: 7-10. The Examiner appears to agree, but

appears to contend that the claims do not require the API to be stored on an STB. While Applicant respectfully disagrees with the Examiner's previous claim interpretation, claims 1 and 21 have been amended to clearly require the API to be implemented on a STB.

As Mills clearly does not disclose each and every limitation of amended claims 1 or 21, Mills clearly does not anticipate any of amended claims 1, 21 or 23. Likewise, Mills does not anticipate claims 2, 3, and 5 which depend on claim 1 and incorporate all of the limitations thereof, nor claim 22 which depends on claim 21 and incorporates all of the limitations thereof.

B. Claims 6, 7, 9, 10, 12, 14-20, 23 and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Mills in view of ITU-T/ISO publication (hereafter "ISO publication").

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3rd 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Mills nor ISO appear to disclose all of the elements of any of independent claims 1, 6, 21 and 23. Mills does not disclose implementing API on an STB as discussed above. The Office action does not rely on the ISO article as disclosing such. Accordingly, as neither Mills nor the ISO article appear to disclose or suggest each and every limitation of amended claims 6 and 23, the combination of Mills and the ISO article does not render claims 6 or 23 unpatentable.

Moreover, claims 7, 9, 10, 12, 14-20 which depend on claim 6 and incorporate all of the limitations thereof, and claim 24 which depends on claims 23 and incorporate all of the limitations thereof, are also not rendered unpatentable by the combination of Mills and ISO.

IV. Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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